REMARKS

This paper responds to the Office Action dated July 5, 2005. A diligent effort has been made to respond to the objections and rejections set forth therein, and reconsideration is respectfully requested.

1.   Status of Claims

Claims 1-4 and 6 are presently amended. Claims 5, 8-10 and 13-24 are cancelled. New claims 25-28 are newly added.

2.   Response to Objections/Rejections

The objection to claims 1, 2 and 13 has been overcome by the present amendment. With respect to claim 1, it is now clear that the presence of the mobile is determined by the presence server. The objectionable language in claim 2 has been deleted. Claim 13 has been canceled.

The 35 USC 102 rejection of claims 1, 6, 11, 14, 19 and 24 over WO 01/45368 to Davies ("Davies"), as well as the 35 USC 103 rejections of the remaining previously-pending claims over Davies in view of Agarwal, Mathis, Dorenbosch and Fok have all been overcome by the present amendment.

Claim 1 now recites a method of instant messaging comprising the following steps: (1) providing a plurality of messaging clients capable of transmitting instant messages to one another; (2) each of the plurality of messaging clients configured to share presence information with one another via a network through a presence server, the presence server maintaining a state table entry for each of the messaging clients indicating either one of a plurality of known states when the server is aware of the present state of the messaging client *or an unknown state when*

the server is not aware of the present state of the messaging client; and (3) for each of the plurality of messaging clients, the presence server (a) accessing the state table entries to determine whether a messaging client is in a first known state in which it is receptive to receiving presence information from the other messaging clients or whether the messaging client is in the unknown state, (b) if the messaging client is in the first known state, then transmitting presence information from the other messaging clients to the messaging client via the network, and *(c) if the messaging client is in the unknown state, then inhibiting the transmission of presence information from the other messaging clients to the messaging client until the state table entry for the messaging client transitions to the first known state.*

The concept of the "unknown" state at the presence server, which serves to inhibit the transmission of presence information from the other messaging clients to the messaging client until the state table entry is updated to a known state is not shown in Davies, Agrawal, or any of the other references cited by the Examiner.

Davies discusses different user presence states, but does not describe what to do when the presence server cannot determine the current state of a particular user. Agrawal, likewise, discusses a variety of known states, but does not disclose the concept of an "unknown" state at the presence server, and thus does not disclose what to do in the case where the user presence state is not determinable. In paragraph 52 of Agrawal, the reference discloses the concept of querying a user who has not accessed a particular application for a predetermined time, and if no response is received to the query, then the user presence is changed from a first known state to some other known state, either "present and inactive," or "absent." These states are known states, however, not an unknown state as set forth in claim 1. The unknown state of claim 1 is an undetermined state that results from the presence server having insufficient information

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regarding the current state of a particular user. A user entry that is in the unknown state will remain there until the presence server acquires sufficient information to transition that user to one of the plurality of known states. While in the unknown state, the method of claim 1 inhibits the transmission of presence information to that user. Neither of these concepts are disclosed in Agrawal, and thus claim 1 is distinguishable over Davies and Agrawal for these reasons. The remaining claims depend from claim 1 and are likewise distinguishable from the cited references.

Respectfully submitted,

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